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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,392	07/02/2001	Makoto Endou	040405-0340	1410
22428	7590	02/07/2006	EXAMINER	
FOLEY AND LARDNER LLP			COBANOGLU, DILEK B	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			3626	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,392

Applicant(s)

ENDOU, MAKOTO

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/16/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 9, 10, 11, and 12 rejected under 35 U.S.C. 102(b) as being unpatentable by Sloane (U.S. Patent No. 5,619,991).

A. As per claim 1, Sloan discloses a home medical examination system (Sloane; abstract) comprising:

- i. A user terminal or patient's computer (Sloane; col. 3, lines 50-51) for a client requesting a home medical examination to make a request for a medical examination of a disease (Sloane; col. 3, lines 48-50),
- ii. A medical center terminal or e-doc's computer (Sloane; col. 2, lines 65 to col. 3, lines 14),
 - (1) For transmitting a medical examination chart created including instructions on a medical examination of a disease made

in response to said request for a medical examination of a disease (Sloane; col. 8, lines 48-51), and

(2) On emergency measures based on the examination (Sloane; col. 4, lines 34-41), and

Examiner considers an epidemiological standpoint as one type of emergency measure.

(3) Instructions on a prescription for a medicine (Sloane; col. 6, lines 31-35), and

(4) On the use of medical equipment based on said medical examination of a disease to said user terminal (Sloane; col. 8, lines 51-57), and

(5) A facility for compounding said medicine, or a pharmacy (Sloane; col. 2, lines 9-12),

iii. A pharmacy terminal for giving instructions on delivery of the medicine compounded at said compounding facility based on said medical examination chart and said medical equipment and sending the instruction result as delivery information to said user terminal and said medical center terminal (Sloane; col. 6, lines 47-51).

B. As per claim 2, Sloan discloses the home medical examination system according to claim 1, wherein said medical center terminal conducts interactive communication with said user terminal to receive image information and voice information of said client requesting a home medical examination from said user

terminal in response to a request for a medical examination of a disease from said user terminal (Sloane; col. 3, lines 39-44).

C. As per claim 4, Sloan discloses the home medical examination system according to claim 1, wherein said user terminal, said medical center terminal and said pharmacy terminal are connected through a communication network including the Internet (Sloane; col. 2, lines 62-65 and Figure 1).

D. As per claim 5, Sloan discloses the home medical examination system according to claim 4, wherein said client requesting a home medical examination makes a request for a medical examination of a disease by accessing said medical center terminal through said user terminal and entering request information into a home medical examination request of a predetermined format prepared in said medical center terminal (Sloane; col. 3, lines 54-56).

Examiner considers that being prompted for a patient ID number has the same meaning with accessing to the terminal.

E. As per claim 9, Sloan discloses a home medical examination method comprising the steps of:

- i. Making a request for a medical examination of a disease through a user terminal (Sloane; col. 3, lines 48-52 and col. 1, line 63 to col. 2, line 8).
- ii. Transmitting a medical examination chart or read-out created including instructions on a medical examination of a disease made in response to said request for a medical examination of a disease (Sloane; col. 8, lines 48-51), and

- iii. On emergency measures based on the examination (Sloane; col. 4, lines 34-41), and

Examiner considers an epidemiological standpoint as one type of emergency measure.

- iv. Instructions on a prescription for a medicine (Sloane; col. 6, lines 31-35) and

- v. On the use of medical equipment based on said medical examination of a disease from a medical center terminal to said user terminal (Sloane; col. 8, lines 51-57), and a facility for compounding said medicine or a pharmacy (Sloane; col. 2, lines 9-12),

- vi. Giving instructions on delivery of the medicine compounded at said compounding facility based on said medical examination chart and said medical equipment and sending the instruction result as delivery information from a pharmacy terminal to said user terminal and said medical center terminal. (Sloane; col. 6, lines 47-51).

- 4. Claims 10, 11 and 12 repeat the same limitations of claims 2, 4 and 5 respectively, and are therefore rejected for the same reasons given above for claims 2, 4 and 5, and incorporated herein.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3626

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991) in view of Chen et al. (U.S. Patent No. 5,553,609).

A. As per claim 3, Sloan discloses the home medical examination system according to claim 2 (Sloane; col. 3, lines 39-44), wherein said user terminal or patient's computer (Sloane; col. 3, lines 39-44) includes a camera for receiving input of said image information and a microphone for receiving input of said voice information.

Sloane fails to expressly teach a camera for image nor a microphone for voice communications, per se, since it appears that Sloane is more directed to video and voice communications in general. However, this feature is well known in the art, as evidenced by Chen et al.

In particular, Chen et al. discloses a video camera (Chen et al.; col. 7, lines 59-62) and a microphone (Chen et al.; col. 7, lines 64-66) wherein patient computer includes a video capture and display portion and also, video and audio (de)compression portion is connected to a microphone (Chen et al.; col. 7, lines 59-66).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the voice and/or video communications with the camera and the microphone with the motivation of the healthcare professional to visually search various areas, and listen

to audible sounds generated within the patient's home (Chen et al.; col. 8, lines 51-55).

7. Claims 6, 7, 8, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991) in view of Cumming Jr. (U.S. Patent No. 5,301,105).

A. As per claim 6, Sloan discloses the home medical examination system according to claim 1(Sloane; abstract), further comprising a health insurance society terminal for receiving said medical examination chart from said medical center terminal and said delivery information from said pharmacy terminal.

Sloane fails to expressly teach a health insurance society terminal, per se, since it appears that Sloane is more directed to terminals such as patient residence, doctor's office, pharmacy, hospital an ambulance service. However, this feature is well known in the art, as evidenced by Cummings Jr.

In particular, Cummings Jr. discloses communications links between the processing system and physician office terminal to one or more insurance companies (Cummings Jr.; col. 5, lines 50-57 and Figure 1) wherein such links integrate relevant insurance companies into the system according to the level of integration desired by the insurance companies (Cummings Jr.; col. 5, lines 54-57).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the patient and doctor terminals

Art Unit: 3626

with the insurance terminal with the motivation of most companies and other organizations that provide health insurance for their employees do so through outside organizations, usually insurance companies (Cummings Jr.; col. 5, lines 39-45).

B. As per claim 7, Sloan discloses the home medical examination system according to claim 1 (Sloane; abstract), wherein

- i. Said user terminal or patient's computer (Sloane; col.3, lines 50-51 and Figure 1), said medical center terminal or e-doc's computer (Sloane; col.2, line 65 to col.3 line 14 and Figure 1), said pharmacy terminal (Sloane; col.6, lines 47-51 and Figure 1) and said health insurance society terminal are connected through a communication network including the Internet (Sloane; col.2, lines 62-65 and Figure 1),
- ii. and said health insurance society terminal receives said medical examination chart from said medical center terminal
- iii. and said delivery information from said pharmacy terminal through said communication network.

The parts about health insurance society terminal of the claim 7, (parts I and ii) have the same limitations with claim 6 and is rejected for the same reasons given above for claim 6, and incorporated herein.

C. As per claim 8, Sloan discloses the home medical examination system according to claim 6 (Sloane; abstract) wherein said health insurance society

terminal calculates costs of a medical examination and medical treatment conducted in response to said request for a medical examination of a disease based on said medical examination chart and said delivery information.

Sloane fails to expressly teach a health insurance society terminal which calculates costs of a medical examination, per se, since it appears that Sloane is more directed to terminals such as patient residence, doctor's office, pharmacy, hospital and ambulance service. However, this feature is well known in the art, as evidenced by Cummings Jr.

In particular, Cummings Jr. discloses communications links between the processing system and physician office terminal to one or more insurance companies (Cummings Jr.; col. 5, lines 50-57 and Figure 1) wherein any patient co-pay and/or deductible are calculated by system processor (Cummings Jr.; col. 12, lines 22-26).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the patient and doctor terminals with the insurance terminal with the motivation of most companies and other organizations that provide health insurance for their employees do so through outside organizations, usually insurance companies and determine if a prospective participant (e.g. patient) has insurance coverage (Cummings Jr.; col. 5, lines 39-49).

Art Unit: 3626

7. Claims 13, 14 and 15 repeat the same limitations of claims 6, 7 and 8 respectively, and are therefore rejected for the same reasons given above for claims 6, 7 and 8, and incorporated herein.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied arts teach wide area medical information system and method using thereof (5911687), system and method for improving efficiency of health care (2002/0077849), method and system for managing wellness plans for a medical care practice (6208974), Medical network management article of manufacture (5964700), method and system for the life insurance industry (20020029158), auditing and monitoring system for workers' compensation claims (20010044735).

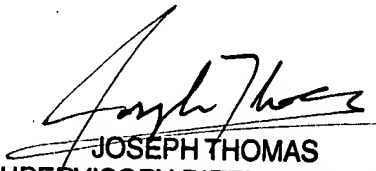
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dilek B. Cobanoglu
Art Unit 3626



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER